



Policies and Procedures
POLICY: Request, Use, and Disclosure of Protected Health Information
Policy #5
Effective Date: April 2, 2014

Purpose: This policy describes the permissible uses of information available through the ILHIE to ensure that Protected Health Information and other data available through the ILHIE are appropriately secured and are requested, used, and disclosed through the ILHIE only in manner consistent with these Policies and Procedures, the Data Sharing Agreement, and Applicable Law.

Policy: Participant and its Authorized Users will request, use, and disclose Protected Health Information through the ILHIE only in the manner permitted under the Data Sharing Agreement and these Policies and Procedures, and subject to any restrictions to which the Participant has agreed upon with Individuals. ILHIE Authority Authorized Users may request, use, and disclose Protected Health Information only in the manner consistent with the Data Sharing Agreement and these Policies and Procedures.

1.0 Compliance with Law. Participant shall request, use, and disclose Protected Health Information through the ILHIE only in a manner consistent with Applicable Law and not for any unlawful or discriminatory purpose.

1.1 If Applicable Law or the Policies and Procedures require that certain documentation exist or that other conditions be met prior to requesting, using, or disclosing Protected Health Information through the ILHIE for a Permitted Purpose, the Participant or its Authorized User shall ensure that it has obtained the required documentation or met the requisite conditions.

2.0 Permitted Uses and Disclosures. Participant and its Authorized Users, may request, use, or disclose Protected Health Information through the ILHIE only for a Permitted Purpose or in reasonable anticipation of a Permitted Purpose, as defined in the Data Sharing Agreement and these Policies and Procedures and only to the extent necessary and permitted by Applicable Law. At this time, there is no secondary data use allowed.

2.1 Protected Health Information received by Participant or its Authorized User for a Permitted Purpose shall not be disclosed to any third party for a non-Permitted Purpose unless required or permitted under the Data Sharing Agreement or Applicable Law.

2.2 In the absence of a Permitted Purpose, Participant and its Authorized Users may not request information through the ILHIE.

2.3 The ILHIE Authority may request, use, and disclose Protected Health Information for the following purposes:

- (i) To manage authorized requests for, and disclosures of Protected Health Information for Permitted Purposes among Participants in the ILHIE;

- (ii) Collecting, aggregating, formatting, or transmitting health information data, as Protected Health Information or in de-identified format, for public health reporting or meaningful use reporting;
- (iii) For the proper management and administration of the ILHIE Authority as a Business Associate, in accordance with 45 C.F.R §164.504(e)(4);
- (iv) To create and maintain a Master Patient Index, including to process or otherwise implement consent management processes, provide a record locator or patient matching service, and facilitate the identification and correction of errors in health information records;
- (v) To engage in any other activities reasonably related to the operation of the ILHIE that are authorized by the ILHIE Authority and are consistent with Applicable Law; or
- (vi) For any other purposes required of or permitted to the ILHIE Authority in furtherance of the ILHIE Authority's rights and duties under Applicable Law, upon the development of appropriate policies, procedures, or standards, as applicable.

3.0 Reliance. Each request for disclosure of Protected Health Information by a Participant is a representation to every Other Participant that all prerequisites under Applicable Law and under the Policies and Procedures for such request by the Participant have been met.

3.1 If Participant is unable to separate specific Protected Health Information about a particular Individual that requires additional protections or consent from Protected Health Information that does not require additional protections or consent, Participant shall not provide any Protected Health Information about that Individual through the ILHIE.

4.0 Mandatory Disclosures. The ILHIE Authority and Participants shall comply with requests for mandatory Protected Health Information disclosures in a manner consistent with Applicable Law.

4.1 Upon receiving an authorized request from a Department of Health and Human Services official for disclosure of Protected Health Information, the Participant or the ILHIE Authority will provide the requested Protected Health Information as required by and in accordance with Applicable Law. Unless expressly prohibited, the ILHIE Authority will notify the appropriate Participant(s) of the request.

5.0 Requests for Restrictions on Uses and Disclosures. Upon receiving a written request from an Individual for restriction of request, use, and disclosure of that Individual's Protected Health Information through the ILHIE, a Participant shall inform the Individual about the opt-out process described in the Patient Choice and Meaningful Disclosure Policy (Policy #6) and shall provide a copy of the Opt-Out Form to the Individual.

6.0 Prohibitions on Uses and Disclosures of Protected Health Information. Except as permitted by HIPAA, Protected Health Information may not be used by a

Participant or the ILHIE Authority for marketing, marketing-related purposes, or sales without the authorization of the Individual.

7.0 Subsequent Use and Disclosure. A Participant who has requested Protected Health Information through the ILHIE and merged the information received into its own records shall treat the merged information as part of its own record and thereafter use and disclose the merged information only in a manner consistent with its own policies and procedures and Applicable Law.

7.1 Each Participant shall refer to and comply with its own policies and procedures regarding disclosures of Protected Health Information and the conditions that shall be met and documentation that shall be obtained, if any, prior to making subsequent disclosures of the merged information.

8.0 Authentication. Participant shall ensure its Authorized Users meet requirements for accessing data in compliance with the User Authentication Policy (Policy #3).

9.0 Compliance. Participant shall comply with these Policies and Procedures. The ILHIE Authority shall monitor and enforce compliance with and adherence to these Policies and Procedures.

9.1 Participant shall cooperate with the ILHIE Authority in its monitoring and enforcement of the Participant's compliance with these Policies and Procedures.

Associated Policies and References:

45 C.F.R §164.500 et seq.
Data Sharing Agreement
Breach Notification and Mitigation
Enforcement
Individual Access to Data
Individual Accounting of Disclosure
Information Subject to Special Protection
Information Systems Activity Review
Minimum Necessary
Opt-Out Form
Patient Choice and Meaningful Disclosure
Sanctions
User Authentication

Definitions

Applicable Law
Health Care Operations
HIPAA
ILHIE Authority
Master Patient Index
Meaningful Use
Participant

Payment
Permitted Purposes
Policies and Procedures
Protected Health Information Treatment
US/DHHS